

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-00351-F-9

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|---------------------------|---|--------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| TERESA DARDEN, |) | |
| Defendant. |) | |

This matter is before the court on Teresa Darden's letter motion [DE-543]. In her motion, Darden is seeking a free copy of the following documents: (1) plea agreement; (2) Judgment; and (3) sentencing hearing transcript.

Pursuant to Amended Standing Order No. 09-SO-02¹, the court will not send a copy of a plea agreement to an inmate. Therefore, Darden's request for a copy of her plea agreement is DENIED. Darden, however, is advised that the public may have access to filed plea agreements at the public terminal in the Clerk's office. As for Darden's request for a copy of her January 9, 2014 Judgment, the request is ALLOWED. The Clerk is DIRECTED to mail Darden a copy of her Judgment [DE-419].

Title 28, United States Code, Section 753(f) addresses the circumstances under which transcripts may be provided to an indigent defendant at government expense. The statute, in pertinent part, provides:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts

¹The Clerk is DIRECTED to send Darden a copy of Amended Standing Order No. 09-SO-02.

furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

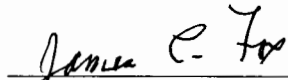
28 U.S.C. § 753(f). An indigent defendant may be entitled to transcripts at government expense if he has stated a proper ground for relief and the transcripts are indispensable. *United States v. Glass*, 317 F.2d 200, 202-03 (4th Cir. 1963). An indigent defendant is not entitled to transcripts at government expense “merely to comb the record in the hope of discovering some flaw.” *Id.* at 202.

Darden has failed to state a particularized need for a copy of her sentencing hearing transcript. Thus, Darden’s request for a free copy of the transcript from her sentencing hearing is DENIED. Darden is entitled to a copy of her sentencing hearing transcript at a cost. The Clerk is DIRECTED to provide Darden with information on how she might obtain a copy of her sentencing hearing transcript.

In light of the foregoing, Darden’s letter motion [DE-543] is DENIED in part and ALLOWED in part.

SO ORDERED.

This, the 13th day of April, 2015.



JAMES C. FOX
Senior United States District Judge